IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 75 of 1996

Between:

K.Yogeshwar Reddy, s/o.K.Sivanarayana Reddy,

30 yrs., R/o.Block No.D1, Pent House No.2,

Shanti Sikhara Comples, Rajbhavan Road, Hyderabad.

..... PETITIONERS

AND

Municipal Commissioner,

Municipal Corporation of Kurnool,

Kurnool.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or any other appropriate writ or direction declaring the action of the Municipal Corporation, Kurnool as illegal, arbitrary and consequently direct the Municipal Corporation, Kurnool not to interfere with the properties of the petitioner in S.No.51/P to which lay out has been sanctioned in LP No.4781/85-D5.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondent :

The Court made the following :

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.75 OF 1996

ORDER:

This writ petition is filed seeking a writ of mandamus to direct the respondent-Municipal Corporation not to interfere with the properties of the petitioner in survey No.51/P, which is covered by layout in LP No.4781/85-D5.

As stated in the affidavit, it is the case of the petitioner that he is the joint owner of Ac.2.02 cents of land situated in Survey No.51/P of Kurnool municipal limits and the municipality in L.P.No.370/85 File No.4781/85-D5 also sanctioned the layout. The grievance of the petitioner is that the respondent-Corporation has started demolishing the compound wall in their plot no.6 with an intention to divert the sewage canal through the plotted areas belonging to them. It is the case of the petitioner that if the land is required for any public purpose, unless it is notified under Land Acquisition Act the respondent cannot divert the said sewage canal through

their lands. Further, it is stated that no notice is issued before taking steps for demolishing of the compound wall and the said action is in violation of the principles of natural justice.

Though the writ petition is of the year 1996, no counter is filed. In that view of the matter and in view of the averments made in the writ petition, I dispose of the writ petition directing the respondent not to demolish the compound wall existing in plot no.6 covered by the municipal layout sanction in L.P.No.370/85, without affording prior opportunity and notice to the petitioner. If, for any reason, the said compound wall has to be demolished, the respondent is directed not to demolish the same, unless an enquiry is completed and notice is issued to the petitioner.

Subject above direction, the writ petition is disposed of. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.18.02.2005.

Mdaa.

Copy to:

1. Municipal Commissioner,

Municipal Corporation of Kurnool,

Kurnool.

2. Two C.D.copies.